

Claim No. _____

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

Before: The Honourable Mr Justice Globe

B E T W E E N :



CORVINA SHIPPING CO S.A.

Applicant/Claimant

and

DRY HANDY INVESTMENTS LTD

Respondent/Defendant

CONFIRMED INTERIM ANTI-SUIT INJUNCTION AND ORDER

PENAL NOTICE

IF YOU, DRY HANDY INVESTMENTS LTD, DISOBEY OR NEGLECT TO OBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR HAVE YOUR ASSETS SEIZED AND YOUR DIRECTORS OR OFFICERS MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT

Notice to the Respondent

You should read the terms of this Order very carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge the Order – see paragraph 7.

THIS ORDER REQUIRES THE RESPONDENT TO DO THE ACTS AND ABSTAIN FROM DOING THE ACTS SET OUT IN THIS ORDER. IF YOU DISOBEY THIS ORDER YOU MAY BE FOUND GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON OR FINED OR YOUR ASSETS SEIZED. IN THE CASE OF A CORPORATE RESPONDENT, IT MAY BE FINED, ITS DIRECTORS OR OTHER OFFICERS MAY BE SENT TO PRISON OR FINED OR ITS ASSETS MAY BE SEIZED.

THE ORDER

An application was made ex parte by Counsel for the Applicant to the Judge who heard the application on 28th December 2013. The Judge considered the draft First Statement of Mr Ingolf Kaiser in support, considered the documents sent to the Court and accepted the undertakings in Schedule 1 at the end of this Order.

IT IS ORDERED THAT

1. There will be a further hearing in respect of this Order on 13th January 2014 (“the Return Date”).
2. Until the return date or further order of this Court, the Respondent whether by itself, its servants or agents or otherwise howsoever shall not seek to obtain security for its claim against the Claimant by arresting or taking any similar attachment steps against any vessel in any jurisdiction on the basis of allegations of piercing of the corporate veil and/or alter-ego.

3. This order shall cease to have effect upon the order of the tribunal constituted in the arbitration proceedings between the Claimant and the Respondent before the London Court of International Arbitration.

SERVICE OUT OF THE JURISDICTION

4. The Applicant is permitted to serve the claim form once issued (substantially in the form of the draft included within their application), the First Statement of Ingolf Kaiser as signed, its exhibits, this Order and any other document in this action on the Respondent by serving the same on Reed Smith LLP at Broadgate Tower, 20 Primrose Street, London EC2A 2RS.
5. Service of the Claim Form shall be deemed to have taken place on the next business day after service on Reed Smith in accordance with paragraph 4 b above. The period for filing an acknowledgment of service is 21 days from the date of service of the Claim Form.

COSTS

6. The costs of and occasioned by this application be reserved.

VARIATION OR DISCHARGE OF THIS ORDER

7. The Respondent and anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order (or so much of it that affects that person), but anyone wishing to do so must first inform the Applicant's legal representatives in writing at least 1 London working day before hand.

INTERPRETATION OF THIS ORDER

8. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. It must not do it through others acting on its behalf or on its instructions or with its encouragement.

9. A Respondent that is not an individual and which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENT

Effect of this Order

10. It is a Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized

11. Persons outside England and Wales

- (1) Except as provided in paragraph (2) below, the terms of this Order do not affect or concern anyone outside the jurisdiction of this court.
- (2) The terms of this Order will affect the following persons in a country or state outside the jurisdiction of this court -

- (a) The Respondent or its officer(s) or agent(s) appointed by power of attorney;

- (b) Any person who-

- (i) is subject to the jurisdiction of this court;

- (ii) has been given written notice of this Order at his residence or place of business within the jurisdiction of this court; and

- (iii) is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this Order; and

- (c) Any other person, only to the extent that this Order is declared enforceable by or is enforced by a court in that country or state.

COMMUNICATIONS WITH THE COURT

12. All communications to the Court about this Order should be sent to Commercial Court Registry, 7 Rolls Building, Fetter Lane, London, EC4A 1NL quoting the case number. The telephone number is 020 7947 6826.
13. The offices are usually open between 10 a.m. and 4.30 p.m. Monday to Friday. However, when closed the out of hours telephone number for the Royal Courts of Justice is 020 7947 6000.

Schedule 1

Undertakings given to the Court by the Applicants

1. If the Court later finds that this Order has caused loss to the Respondent and decides that the Respondent should be compensated for that loss, the Applicant will comply with any Order the Court may make. An undertaking to the Court is also given by Compania Sud Americana de Vapores S.A. to pay any order for compensation made against the Applicant under this paragraph.
2. Anyone notified of this Order will be given a copy of it by the Applicants' legal representatives.
3. The Applicant shall, by 30th December 2013:
 - a. Issue the draft Application Notice provided to the Court in substantially the same form as provided to the Court; and
 - b. Issue the draft Claim Form provided to the Court in substantially the same form as provided to the Court.

Name and Address of Applicants' Legal Representatives

The Applicant's/Claimant's Legal Representatives are-

Stephenson Harwood

1 Finsbury Circus

London EC2M 7SH

Tel : 020 7329 4422

Fax : 020 7329 7100

FAO Ingolf Kaiser

Dated this 28th day of December 2013

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